

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 25-MJ-1323

MARIO SALGUERO SANDOVAL

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of June 10, 2025, in the County of Erie, in the Western District of New York, the defendant, an alien, was found in the United States, after previously being removed or deported from the United States, without prior authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, in violation of Title 8, United States Code, Sections 1326(a).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Michael Scioli

Complainant's signature

MICHAEL A. SCIOLI
Supervisory Border Patrol Agent
United States Border Patrol

Printed name and title

Sworn to before me and signed telephonically.

Date: June 18, 2025

Jeremiah J. McCarthy

Judge's signature

City and State: Buffalo, New York

HONORABLE JEREMIAH J. McCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, Michael A. Scioli, being duly sworn, deposes and says that:

1. I am a United States Supervisory Border Patrol Agent with the United States Border Patrol, within the Department of Homeland Security (DHS), stationed in Buffalo Sector, New York. I have been employed as a Border Patrol Agent for twenty-two (22) years. In such capacity, my official duties include investigating people who have violated federal immigration laws and other related federal statutes. I have conducted and participated in investigations relating to unauthorized re-entry in the United States, in violation of Title 8, United States Code, Section 1326(a).

2. As a Border Patrol Agent, I am authorized to investigate violations of laws of the United States, and I am a Law Enforcement Officer with the authority to effectuate arrests and execute criminal complaints and warrants issued under the authority of the United States. As part of my current duties, I have become involved in an investigation of a suspected violation of Title 8, United States Code, Section 1326(a) (Re-entry of Removal Aliens).

3. I make this Affidavit in support of the Criminal Complaint charging Mario SALGUERO SANDOVAL (hereinafter "SALGUERO SANDOVAL"), an alien, born in 1989 in Guatemala, with having been found in the United States after having been previously

removed or deported from the United States, without first applying to the Attorney General or the Secretary of the Department of Homeland Security, for permission to re-enter the United States, in violation of Title 8, United States Code, Section 1326(a).

4. The statements contained in this affidavit are based upon my personal observations, my training and experience, my review of database checks and official records, and upon information provided to me by other U.S. Border Patrol and other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant did knowingly violate Title 8, United States Code, Sections 1326(a).

PROBABLE CAUSE

5. On or about June 10, 2025, Buffalo Border Patrol Station agents encountered a vehicle in Buffalo, New York, within the Western District of New York. This vehicle was registered to an out of state contracting company, under the name of an alien who was apprehended on four separate occasions by the Border Patrol and has been previously ordered removed.

6. The vehicle was stopped and on scene, Border Patrol Agents encountered seven subjects, including SALGUERO SANDOVAL, who was the driver of the vehicle, and questioned the subjects as to their citizenship and legal status in the United States.

7. SALGUERO SANDOVAL did not provide any statements roadside and did

not provide a valid driver's license. Border Patrol Agents determined through questioning that six of occupants in the vehicle were indeed present in the United States illegally. Agents took SALGUERO SANDOVAL into custody under suspicion that he was present in the United States illegally and failed to provide documentation to drive a vehicle within the state.

8. It was later confirmed through fingerprints that SALGUERO SANDOVAL is a citizen and national of Guatemala, and not a national of the United States. SALGUERO SANDOVAL presented no identification of any type or any documents that would allow him to be or remain in the United States lawfully e.g. a valid visa, work permit, or any type of authorization for residency.

9. U.S. Border Patrol Agents took SALGUERO SANDOVAL into custody. As a part of processing, an electronic scan of SALGUERO SANDOVAL's fingerprints were taken to verify his identity and any immigration history he may have in the United States. This query resulted in an identical biometric match revealing that SALGUERO SANDOVAL had been issued an FBI number and immigration fingerprint identification number.

10. Criminal and immigration database record checks associated with SALGUERO SANDOVAL's fingerprints revealed the following:

- a. SALGUERO SANDOVAL is a native and citizen of Guatemala.
- b. On or about June 27, 2015, SALGUERO SANDOVAL was ordered removed by an Agency Official with the United States Border Patrol, in McAllen, Texas.
- c. On or about June 27, 2015, SALGUERO SANDOVAL was served a warning to aliens being ordered removed or deported.

- d. On or about July 2, 2015, SALGUERO SANDOVAL was physically removed from the United States via air from Brownsville, Texas, pursuant to an order of removal.

11. There is no record that SALGUERO SANDOVAL had applied for or received any authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security to re-enter the United States after his last removal.

12. Based on the foregoing, your affiant respectfully submits that there is probable cause to believe that on or about June 10, 2025, within the Western District of New York, Mario SALGUERO SANDOVAL, an alien who was removed from the United States on or about July 2, 2015, was found in the United States without having obtained the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, in violation of Title 8, United States Code, Section 1326(a).

Michael Scioli

MICHAEL A. SCIOLI
U.S. Supervisory Border Patrol Agent
United States Border Patrol

Sworn and subscribed to before me telephonically
on this 18th day of June 2025.



HONORABLE JEREMIAH J. McCARTHY
United States Magistrate Judge